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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,905	01/03/2002	Akira Karasudani	1614.1207	9594
21171	7590	04/05/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			AL HASHEMI, SANA A	
			ART UNIT	PAPER NUMBER
			2164	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/033,905	KARASUDANI ET AL.	
	Examiner	Art Unit	
	Sana Al-Hashemi	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 7-9, 12-14, 17-19 and 21-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4, 7-9, 12-14, 17-19 and 21-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is issued in response to applicant's amendment filed 2/1/06.
2. Claims 2-4, 7-9, 12-14, 17-19, 21-32 were amended, and 1, 5-6, 10-11, 15-16, and 20 have been canceled. No claims have been added.
3. Claims 2-4, 7-9, 12-14, 17-19, and 21-32, are pending.

Applicant's arguments filed 2/1/06 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding amended claims 29, 31, the phrase "an external storage" renders the claim indefinite because it is unclear to the examiner if the storage is external to another storage or the file device, to expedite the prosecution examiner will treat the "external storage" to be external to the user.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 2-4, 7-9, 12-14, 17-19, and 21-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Elko et al. (US Patent No. 5,537,574).

Regarding Claims 25, 29, 30, 31, and 32, Elko discloses a file device that records a file to an external storage divided into blocks, comprising:

block allocation means for allocating blocks in the external storage device to record the file in the storage means (Fig. 1, CPC-1, CPC-M, column 5, lines 43-47, and Fig. 2, 206, wherein the expanded storage corresponds to the external storage, Elko);

management information production means for producing management information designating blocks allocated by the block allocation means (Fig. 1, DASD Director, column 5, lines 48-53, Elko); and

storage control means for recording in the blocks in the external storage device the file, after the management information and sequence information indicating a sequence in which the file is to be recorded in the blocks (Fig. 1, 101, column 5, 6, lines 61-67, 1-1-4, Elko).

Regarding Claims 2, 7, 12, and 17, Elko discloses a file device, wherein the storage control means attaches information indicating a preceding block and information indicating a size of data to be recorded in a block to the data recorded in the block and records to the storage control means (column 16, lines 40-48, Elko).

Regarding Claims 3, 8, 13, and 18, Elko discloses a file device, wherein the storage control means updates the management information so that, when a data-unrecorded block

occurs among the blocks allocated by the block allocation means when recording the file, the unrecorded block becomes an unused block (column 17, lines 2-8, Elko¹).

Regarding Claims 4, 9, 14, and 19, Elko discloses a file device, wherein the storage control means has storage sequence setting means for setting a storage sequence of data that makes up the file, the data that makes up the file being allocated among blocks to be recorded by the block allocation means based on the sequence set by the storage sequence setting means and recorded to the allocated blocks (Fig. 32, 3201, column 51, lines 14-19, Elko).

Regarding Claim 7, Elko discloses a computer implemented data access method wherein said recording in the blocks with the file attaches to each block that records with the file, data indicating a preceding block and data indicating a size of data to be recorded therein (column 16, lines 40-48, Elko).

Regarding Claim 21, 22, 23, and 24, Elko discloses a file device further comprising:

A file accessing unit accessing the blocks in sequential order according to the management information to read the file and, when either the information indicating the preceding block does not indicate the preceding block in the file or the information indicating a size of data recorded in the one or more blocks is not within an actual block size range, stopping the reading of the file and updating the management information so that succeeding blocks become unused blocks (Col. 29, lines 30-39, Elko).

Regarding Claims 25, Elko discloses a file device that records a file to an external storage divided into blocks, comprising:

¹ The process of submitting the "cache miss" which indicates the data does not reside in the cache reads on unrecorded block which indicates the block "unused".

allocating blocks to record the file (Fig. 1, CPC-1, CPC-M, column 5, lines 43-47, and Fig. 2, 206, wherein the expanded storage corresponds to the external storage, Elko);

producing management information indicating the blocks that have been allocated (Fig. 1, DASD Director, column 5, lines 48-53, Elko); and

recording in the blocks with the file, the management information and sequence information indicating a sequence in which the file was recorded in the blocks (Fig. 1, 101, column 5, 6, lines 61-67, 1-1-4, Elko).

Regarding Claim 26, Elko discloses at least one computer-readable medium wherein said recording of the sequence information includes recording an identifier of a preceding block in each block after an initial block (Fig. 9, 901, Elko).

Regarding Claim 27, Elko discloses at least one computer-readable medium wherein said recording further includes recording in each block, size information indicating an amount of data recorded therein (Col. 16, lines 38-49, Elko)

Regarding Claim 28, Elko discloses a file device, having file readout means, such that when information indicating the preceding block does not indicate the preceding block as a result of the block being accessed in sequence depending on the management information, the file being read out, and data being read out from the block, or when information indicating the size of the data recorded in the block is outside the actual block size range, the file readout means halts readout of the file and updates the management information so that subsequent blocks become unused blocks (column 51, lines 20-38, Elko²).

² The step of setting the field to 0 since the page can not be located corresponds to unused block, since the block is stored with no data.

Response to Amendment

Applicant argues that the Elko reference fails to disclose a “block allocation means for allocating blocks in the external storage device to record a file accessed by said file device”.

Examiner respectfully disagrees. The Elko reference discloses the method of allocating blocks as shown in Fig. 1, 104, Col. 15, lines 47-55, Elko discloses the shared cache 103 is used for storage of blocks of data. For example, the shared cache 103 can be used to store pages of data, where 111 in Fig. 1, indicates one such page.

Applicant argues that the Elko reference fails to disclose “management information indicating the blocks that have been modified”.

Examiner respectfully disagrees. Refereeing to Col. 16, lines 60-67 Elko discloses a management logic creates, manages, deletes, updates the data file in the blocks.

Applicant argues that the Elko reference fails to disclose a “Storage control means for recording in the blocks in the external storage device the file, after management information and sequence information indicating a sequence in which the file is to be recorded in the blocks”.

Examiner respectfully disagrees. Refereeing to Col. 16, lines 29-39, Elko discloses the method of storing data file in the blocks and indicates a sequence (indexed by name) in which the file to be recorded in the blocks. Wherein the method of indexing the data files stored in the blocks corresponds to the sequence information claimed.

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Applicant argues all the claimed limitation as disclosed in the specification and the drawings.

Examiner respectfully disagrees. Since the examiner is interpreted the claim language the broadest reasonable interpretation in light of the specification and is not required to interpreted that specific if the language is broad.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is (571) 272-4013. The examiner can normally be reached on 8Am-4:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sana Al-Hashemi
Patent Examiner
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March 21, 2006